

## **REMARKS**

In this reissue application, original patent claims 1-15 remain pending. New claims 16-20 were previously added, after which claims 17-20 were cancelled. New claims 21-46 were then added.

Claims 1-16 and 21-46 are pending. Original claims 1-15 are allowed. Claims 16 and 21-46 are rejected. Claims 16, 21, 33-34, and 46 are amended herein.

The remarks presented herein are in response to the final office action mailed March 17, 2010.

Claims 16 and 21-46 were rejected under 35 USC 251 as being an improper recapture of broadened claimed subject matter. Applicant respectfully traverses in view of the amended claims.

Examiner stated that claims 16 and 21-46 either broadened or omitted the surrendered claim limitation “terminating said broadcast of said data and said multicast communication channel if at least two of said plurality of second endpoints do not transmit said acknowledgment messages containing a positive acknowledgment.” Independent claims 16, 21, 33-34, and 46 are amended herein.

### **Claim 16**

Claim 16 is amended herein as follows:

In a system wherein a first endpoint is providing data to a plurality of second endpoints each connected by a point-to-point communication channel with said first endpoint, an automatic method for optimizing the transmission of said data to said plurality of second endpoints comprising the following steps:

- a. said first endpoint activating a multicast communication channel having a first multicast address and commencing broadcast of said data over said multicast communication channel;
- b. said first endpoint transmitting a ~~request message~~ multicast transmission to each of said plurality of second endpoints in order to query each of said second end-

points whether they can receive transmissions broadcast to said first multicast address;

- c. certain of said plurality of second endpoints transmitting an acknowledgement message ~~and said first endpoint receiving said acknowledgement message~~;
- d. for each said acknowledgement message received from said certain of said plurality of second endpoints which indicates that said certain of said plurality of second endpoints can receive transmissions broadcast to said first multicast address, deactivating said point-to-point communication channel with said first endpoint and said certain of said plurality of second endpoints; and
- e. terminating said broadcast of said data and said multicast communication channel if at least two of said plurality of second endpoints do not transmit said acknowledgement messages containing a positive acknowledgment.

Support for this amendment can be found in the specification of the issued patent at, for example, the Abstract, Claim 1, and column 21, line 34 to column 22, line 4.

As amended, claim 16 recites, in part, “terminating said broadcast of said data and said multicast communication channel if at least two of said plurality of second endpoints do not transmit said acknowledgment messages containing a positive acknowledgment.”

Therefore, claim 16 (as amended) complies with 35 USC 251.

### Claim 21

Claim 21 is amended herein as follows:

In a system wherein a first entity and a plurality of second entities in a network are operating in a point-to-point mode, with each of said second entities connected by a point-to-point communication channel with said first entity, an automatic method for optimizing a mode of transmission of data between said plurality of second entities and said first entity, the method comprising the following steps:

- a. said first entity transmitting a request message multicast transmission to said plurality of second entities over a multicast communication channel, said request message multicast transmission being used to initiate transition from said point-to-point mode to a multicast mode;
- b. said first entity receiving from certain of said plurality of second entities an acknowledgement message ~~in response to said request message~~, said acknowledgement message indicating that each corresponding ones of said certain of said plurality of entities was able to receive said request message multicast transmission;
- c. for each said acknowledgement message received from said certain of said plurality of second entities which indicates that said corresponding ones of said certain of said plurality of second entities can receive said request message multicast transmission, deactivating said point-to-point communication chan-

nel between said first entity and said corresponding ones of said certain of said plurality of second entities; and

d. terminating said multicast communication channel if at least two of said plurality of second entities do not transmit said acknowledgment messages containing a positive acknowledgment.

Support for this amendment can be found in the specification of the issued patent at, for example, the Abstract, Claim 1, and column 21, line 34 to column 22, line 4.

As amended, claim 21 recites, in part, “terminating said multicast communication channel if at least two of said plurality of second entities do not transmit said acknowledgment messages containing a positive acknowledgment.”

Claim 21 (as amended) omits the phrase “said broadcast of said data and” and, therefore, does not recite “terminating said broadcast of said data.” Since claim 21 does not recite any broadcast of any data, it would make no sense for claim 21 to recite terminating broadcast of data. Thus, the absence of this phrase does not constitute recapture of surrendered subject matter.

Therefore, claim 21 (as amended) complies with 35 USC 251.

### Claim 33

Claim 33 is amended herein as follows:

An apparatus for optimizing a mode of transmission of data between a first entity and a plurality of second entities in a network, said network capable of operating in a point-to-point mode, with each of said second entities connected by a point-to-point communication channel with said first entity, the apparatus comprising:

- a. a first apparatus configured to transmit a request message multicast transmission to said plurality of second entities over a multicast communication channel, said request message multicast transmission being used to initiate transition from said point-to-point mode to a multicast mode;
- b. a second apparatus in data communication with said first apparatus and configured to receive from certain of said plurality of second entities an acknowledgement message in response to said request message, said acknowledgement message indicating that each corresponding ones of said certain of plurality of second entities was able to receive said request message multicast transmission;

- c. a third apparatus in data communication with said second apparatus and configured so that, for each said acknowledgment message received from said certain of said plurality of second entities which indicates that said corresponding ones of said certain of said plurality of second entities can receive said request message multicast transmission, said point-to-point communication channel between said first entity and said corresponding ones of said certain of said plurality of second entities is deactivated; and
- d. a fourth apparatus in data communication with said third apparatus and configured so that, if at least two of said plurality of second entities do not transmit said acknowledgment messages containing a positive acknowledgment, said multicast communication channel is terminated.

Support for this amendment can be found in the specification of the issued patent at, for example, the Abstract, Claim 1, and column 21, line 34 to column 22, line 4.

As amended, claim 33 recites, in part, “a fourth apparatus in data communication with said third apparatus and configured so that, if at least two of said plurality of second entities do not transmit said acknowledgment messages containing a positive acknowledgment, said multicast communication channel is terminated.”

Claim 33 (as amended) omits the phrase “said broadcast of said data and” and, therefore, does not recite “said broadcast of said data is terminated.” Since claim 33 does not recite any broadcast of any data, it would make no sense for claim 33 to recite terminating broadcast of data. Thus, the absence of this phrase does not constitute recapture of surrendered subject matter.

Therefore, claim 33 (as amended) complies with 35 USC 251.

#### Claim 34

Claim 34 is amended herein as follows:

In a system wherein a first entity and a plurality of second entities in a network are operating in a point-to-point mode, with each of said second entities connected by a point-to-point communication channel with said first entity, an automatic method for changing a mode of transmission of data between said plurality of second entities and said first entity, the method comprising the following steps:

- a. said first entity transmitting a request message multicast transmission to said plurality of second entities over a multicast communication channel, said re-

- ~~quest message multicast transmission~~ being used to initiate transition from said point-to-point mode to a multicast mode;
- b. said first entity receiving from certain of said plurality of second entities an acknowledgment message ~~in response to said request message~~, said acknowledgement message indicating that ~~each corresponding ones~~ of said certain of said plurality of entities was able to receive said ~~request message multicast transmission~~;
- c. for each said acknowledgment message received from said certain of said plurality of second entities which indicates that ~~said corresponding ones of~~ said certain of said plurality of second entities can receive said ~~request message multicast transmission~~, transitioning communications between said first entity and ~~said corresponding ones of~~ said certain of said plurality of second entities from said point-to-point mode to said multicast mode; and
- d. terminating said multicast communication channel if at least two of said plurality of second entities do not transmit said acknowledgment messages containing a positive acknowledgment.

Support for this amendment can be found in the specification of the issued patent at, for example, the Abstract, Claim 1, and column 21, line 34 to column 22, line 4.

As amended, claim 34 recites, in part, “terminating said multicast communication channel if at least two of said plurality of second entities do not transmit said acknowledgment messages containing a positive acknowledgment.”

Claim 34 (as amended) omits the phrase “said broadcast of said data and” and, therefore, does not recite “terminating said broadcast of said data.” Since claim 34 does not recite any broadcast of any data, it would make no sense for claim 34 to recite terminating broadcast of data. Thus, the absence of this phrase does not constitute recapture of surrendered subject matter.

Therefore, claim 34 (as amended) complies with 35 USC 251.

### Claim 46

Claim 46 is amended herein as follows:

An apparatus for automatically changing a mode of transmission of data between a first entity and a plurality of second entities in a network, said network being capable of operating in a point-to-point mode, with each of said second entities connected by a point-to-point communication channel with said first entity, the apparatus comprising:

- a. a first apparatus configured to transmit a ~~request message~~ ~~multicast transmission~~ to said plurality of second entities over a multicast communication channel, said ~~request message~~ ~~multicast transmission~~ being used to initiate transition from said point-to-point mode to a multicast mode;
- b. a second apparatus in data communication with said first apparatus and configured to receive from certain of said plurality of second entities an acknowledgement message ~~in response to said request message~~, said acknowledgement message indicating that ~~each corresponding ones~~ of said certain of said plurality of entities was able to receive said ~~request message~~ ~~multicast transmission~~;
- c. a third apparatus in data communication with said second apparatus and configured to, for each said acknowledgement message received from said certain of said plurality of second entities which indicates that ~~said corresponding ones of~~ said certain of said plurality of second entities can receive said ~~request message~~ ~~multicast transmission~~, transition communications between said first entity and ~~said corresponding ones of~~ said certain of said plurality of second entities from said point-to-point mode to said multicast mode; and
- d. a fourth apparatus in data communication with said third apparatus and configured to, if at least two of said plurality of second endpoints do not transmit said acknowledgement messages ~~containing a positive acknowledgment~~, terminate said multicast communication channel.

Support for this amendment can be found in the specification of the issued patent at, for example, the Abstract, Claim 1, and column 21, line 34 to column 22, line 4.

As amended, claim 46 recites, in part, “a fourth apparatus in data communication with said third apparatus and configured to, if at least two of said plurality of second endpoints do not transmit said acknowledgement messages containing a positive acknowledgment, terminate said multicast communication channel.”

Claim 46 (as amended) omits the phrase “said broadcast of said data and” and, therefore, does not recite “terminate said broadcast of said data.” Since claim 46 does not recite any broadcast of any data, it would make no sense for claim 46 to recite terminating broadcast of data. Thus, the absence of this phrase does not constitute recapture of surrendered subject matter.

Therefore, claim 46 (as amended) complies with 35 USC 251.

Examiner is invited to contact the undersigned in order to advance the prosecution of this application.

Respectfully submitted,  
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